



PATENT

RECEIVED
MAR 13 2001
TECH CENTER 1600-2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Vidya Bhushan LOHRAY, et al
Serial No.: 09/179,002 Group No.: 1614
Filed: October 26, 1998 Examiner:
For: NEW HETEROCYCLIC COMPOUNDS AND THEIR USE IN MEDICINE,
PROCESS FOR THEIR PREPARATION AND PHARMACEUTICAL
COMPOSITIONS CONTAINING TEHM

Attorney Docket No.: U 011904-5

Assistant Commissioner for Patents
Washington, D.C. 20231

THIRD REQUEST FOR REFUND

More than twenty months have passed since our first Request for Refund was mailed to the Patent Office July 7, 1999.

Deposit account 12-0425 was charged \$1,066.00 for independent claims in excess of three (fee code 102), \$140.00 for claims in excess of 20 (fee code 103) and \$270.00 for multiple dependent claims (fee code 104) on December 16, 1998 (control Nos. 72, 70 and 73, respectively).

CERTIFICATE OF MAILING (37 CFR 1.8a)

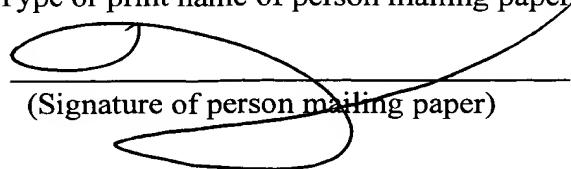
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231

JANET I. CORD

(Type or print name of person mailing paper)

Date: March 5, 2001

(Signature of person mailing paper)



However, a Preliminary Amendment and Completion of Filing Requirements (copies attached with their postcard receipts) were filed December 9, 1998.

The Preliminary Amendment changed the number of independent claims to 11, viz. 1, 6, 7, 9, 14, 16, 18, 20, 22, 53 and 65, the total number of claims to 38 and eliminated all multiple dependent claims. Independent claim fees of \$858.00 and total claim fees of \$684.00 were, therefore, required.

The Completion of Filing Requirements indicated independent and total claim fees of \$546.00 and \$686.00 and paid these (together with filing fee and surcharge) by check P 35908 of December 8, 1998 for \$2,122.00. Copies of both sides of this cancelled check are attached to show this.

Therefore, refund of independent claim fees of \$754.00, total claim fees of \$142.00 and multiple claim fees of \$270.00, for total refund of \$1,166.00 is requested.

Respectfully submitted,

JANET I. CORD
LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO. 33,778 (212)708-1935

RECEIVED
MAR 13 2001
U.S. PATENT & TRADEMARK OFFICE

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, N.Y. 10023

P 35908

100-10210

MAR 13 2001
TO THE ORDER OF

Commissioner of Patents & Trademarks

TJL

Rec'd. 4/17/01

DATE

1 PAY

AMOUNT

160138044

424828160

LADAS & PARRY

U.S. ACCOUNT

Citibank, N.A.
At Corp Center
33 E. 53rd St.
New York, N.Y.
10043

Private
Banking
Division

J. M. J. / 129,602
John McCandless

100035908 10210000894 400 37933429

100035908 10210000894 400 37933429

PAID CIR 2B 28' 18 2
CCPD #633 12-16-1998
4262 160138044005898
2 0212-0400-5

U.S. TREASURY
FOR CREDIT TO THE
PATENT AND TRADEMARK OFFICE
13-10-0001
12-16-1998
100-10210

RECEIVED
U.S. PATENT & TRADEMARK OFFICE
APR 17 2001
100-10210

0027 4 4 5 2 0

100-10210





Practitioner's Docket No. U 011904-5

RECEIVED
PATENT
TECH CENTER 1600/2000
MAR 11 2001
1600/2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Vidya Bhushan LOHRAY

Serial No.: 09/179,002

Group No.: 1614

Filed: October 26, 1998

Examiner:

For: NEW HETEROCYCLIC COMPOUNDS AND THEIR USE IN MEDICINE; PROCESS FOR THEIR PREPARATION AND PHARMACEUTICAL COMPOSITIONS CONTAINING THEM.

Box Missing Part

Assistant Commissioner for Patents

Washington, D.C. 20231

**COMPLETION OF FILING REQUIREMENTS
— NONPROVISIONAL APPLICATION**

(check and complete this item, if applicable)

- I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed November 18, 1998.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

- transmitted by facsimile to the Patent and Trademark Office.

Signature

Janet I. Cord

(type or print name of person certifying)

Date: December 9, 1998

DECLARATION OR OATH

- II. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 CFR 1.48(j)(1).

OR

- The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor and (1) serial number (2) attorney docket number which was on the application as filed and the filing date (3) title of the invention and filing date (4) title of invention and reference to a specification which is attached to the declaration at the time of execution and filed with the declaration or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date; such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

- III. Cancel claims _____ inclusive.
 See attached Preliminary Amendment.

TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

- IV. Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. 1.69(b).

NOTE: The translation for a regular application filed in a foreign language must be verified. 37 C.F.R. 1.52(d).

SMALL ENTITY STATUS

V. [] A statement that this filing is by a small entity

(check and complete applicable items)

[] is attached.

[] A separate refund request accompanies this paper.

[] was filed on _____ (original).

COMPLETION FEES

VI.

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. 1.28(a).

1. Filing fee

[X] original patent application (37 C.F.R. 1.16(a)--\$790.00; small entity--\$395.00)	\$ <u>760.00</u>
--	------------------

[] design application (37 C.F.R. 1.16(f)--\$330.00; small entity--\$165.00)	\$ _____
---	----------

2. Fees for claims

[X] each independent claim in excess of 3 (37 C.F.R. 1.16(b)--\$78.00; small entity--\$41.00)	\$ <u>546.00</u>
--	------------------

[X] each claim in excess of 20 (37 C.F.R. 1.16(c)--\$18.00; small entity--\$11.00)	\$ <u>686.00</u>
---	------------------

[] multiple dependent claim(s) (37 C.F.R. 1.16(d)--\$260.00; small entity--\$135.00)	\$ _____
--	----------

3. Surcharge fees

late payment of filing fee
(37 C.F.R. 1.16(e)--\$130.00; small entity--\$65.00) \$ _____

and/or

late filing of original declaration or oath
(37 C.F.R. 1.16(e)--\$130.00; small entity--\$65.00) \$ 130.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid. 37 C.F.R. 1.16(e).

4. Petition and fee for filing by other than
all the inventors or a person not the inventor
(37 C.F.R. 1.17(i) and 1.47--\$130.00) \$ _____

5. Fee for processing an application filed with
a specification in a non-English language
(37 C.F.R. 1.17(k) and 1.52(d)--\$130.00) \$ _____

6. Fee for processing and retention of application
(37 C.F.R. 1.21(l) and 1.53(d)--\$130.00) \$ _____

7. Assignment (See "ASSIGNMENT COVER SHEET".) \$ _____

NOTE: 37 C.F.R. 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. 1.53(f) and this, as well as, the changes to 37 C.F.R. 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under § 1.53(f) must be paid.

Total completion fees \$ 2,122.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) apply.

(a) Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
[] one month	\$ 110.00	\$ 55.00
[] two months	\$ 380.00	\$190.00
[] three months	\$ 870.00	\$435.00
[] four months	\$1,360.00	\$680.00

Fee \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

[] An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

(b) [X] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VIII.

The total fee due is

Completion fee(s) \$ 2,122.00
 Extension fee (if any) \$ _____

Total Fee Due \$ 2,122.00

PAYMENT OF FEES

IX.

[X] Enclosed is a check in the amount of \$ 2,122.00.

[] Charge Account No. _____ in the amount of \$ _____.
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. 1.22(b).

Please change Account No. _____ for any fees which may be due by this paper.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 CFR 1.26(a).

[X] The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 12-0425.

- [X] 37 C.F.R. 1.16(a), (f) or (g) (filing fees)
[X] 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- [X] 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
[] 37 CFR 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a)).
[] 37 C.F.R. 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 CFR 1.136(a)(3).

[] 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

NOTE: *Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. 1.311(b).*

NOTE: *37 C.F.R. 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.*

SIGNATURE OF PRACTITIONER

Reg. No.: 33,778

Janet I. Cord

(type or print name of practitioner)

Tel. No.: (212) 708, 1935

26 West 61st Street

P.O. Address

Customer No.:

New York, NY 10023



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO/TITLE
09/179,002	10/26/98	LOHRAY	V U-011904-5

JANET I CORD
LADAS & PARRY
26 WEST 61 ST
NEW YORK NY 10023

0232/1118

NOT ASSIGNED

1614

DATE MAILED:

11/18/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
 small entity (statement filed) non-small entity is \$ 3598.

1. The statutory basic filing fee is:

- missing.
 insufficient.

Applicant must submit \$ 798 \$760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. Additional claim fees of \$ 2678, including any multiple dependent claim fees, are required.

\$ 1066 for 13 independent claims over 3.

\$ 1342 for 01 dependent claims over 20.

\$ 270 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

- is missing or unexecuted.
 does not cover the newly submitted items.
 does not identify the application to which it applies.
 does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

[Signature] A copy of this notice **MUST** be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

U 011904-5.



December 9, 1998

IN re: Vidya B. LOHRAY
Serial No: 09/179,002 Group No: 1614
Filed: October 26, 1998

For: NEW HETEROCYCLIC COMPOUNDS AND THEIR USE IN MEDICINE
PROCESS FOR THEIR PREPARATION AND PHARMACEUTICAL COMPOSITIONS
CONTAINING THEM

COMPLETION OF FILING REQUIREMENTS: Notice to File Missing
Parts; Declaration, Statement by attorney; 1 pg Abstract;
138 pgs specs, ~~Check~~ for \$2,122.00

JIC:dj

DEC 11 1998 JC58

Filed _____



U 011904-5

December 9, 1998

In re: Vidya B. LOHRAY
Serial No: 09/179,002
Filed: October 26, 1998
For: NEW HETEROCYCLIC COMPOUNDS AND THEIR USE IN MEDICINE,
PROCESS FOR THEIR PREPARATION AND PHARMACEUTICAL COMPOSITIONS
CONTAINING THEM

PRELIMINARY AMENDMENT:

JIC:dj

Filed _____

